

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Anderson	Team: Squad #2	CCRB Case #: 201801926	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 01/05/2018 6:38 PM	Location of Incident: Metropolitan Avenue between Hawthorne Drive and Metropolitan Oval	Precinct: 43	18 Mo. SOL 7/5/2019	EO SOL 7/5/2019	
Date/Time CV Reported Sun, 03/11/2018 4:49 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 03/11/2018 4:49 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Federico Rivera	00622	947403	043 PCT
2. POF Sharice Nowell	04976	939124	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Federico Rivera	Discourtesy: Police Officer Federico Rivera spoke discourteously to § 87(2)(b)	
B.POM Federico Rivera	Abuse: Police Officer Federico Rivera stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POF Sharice Nowell	Discourtesy: Police Officer Sharice Nowell spoke discourteously to § 87(2)(b)	

Case Summary

On March 11, 2018, § 87(2)(b) filed this complaint via the CCRB website.

On January 5, 2018, at approximately 6:38 p.m., § 87(2)(b) drove his vehicle in the vicinity of 1675 Metropolitan Avenue in the Bronx when he encountered Police Officer Federico Rivera and Police Officer Sharice Nowell of the 43rd Precinct, who were on foot in the roadway. § 87(2)(b) engaged his vehicle's high beams to attract the officers' attention. Police Officer Rivera approached § 87(2)(b)'s vehicle and allegedly said, "You don't fucking high beam the police" (**Allegation A- Discourtesy: Word,** § 87(2)(g) and then instructed him to pull his vehicle over (**Allegation B- Abuse of Authority: Vehicle stop,** § 87(2)(g) § 87(2)(b) drove in front of the officers' vehicle and stopped his vehicle. He exited his vehicle, began sending a text message on his phone, and walked to the rear of his vehicle. Police Officer Nowell instructed him to re-enter his vehicle. The officers then approached § 87(2)(b) pressed him against his vehicle, handcuffed him, and escorted him to their vehicle. § 87(2)(b) asked how long the incident would last, and Police Officer Nowell allegedly said, "You should have thought of that shit before" (**Allegation C- Discourtesy: Word,** § 87(2)(g) § 87(2)(b) was transported to the 43rd Precinct stationhouse, where he was released with three summonses as a result of the incident for § 87(2)(b) (Board Review 05).

Body-worn camera (BWC) footage recorded by both Police Officer Rivera and Police Officer Nowell was recovered in this case. The original footage is attached to IA numbers 14, 15, 16, 27, and 28 (Board Review 06, 07, 08, 09, and 10). Summaries of the footage are located in IA numbers 36 and 44 (Board Review 11 and 12). Relevant portions are embedded in the relevant sections below.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Federico Rivera spoke discourteously to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Federico Rivera stopped the vehicle in which § 87(2)(b) **was an occupant.**

§ 87(2)(b) was interviewed at the CCRB on March 28, 2018. Police Officer Nowell was interviewed at the CCRB on May 2, 2018. Police Officer Rivera was interviewed at the CCRB on May 21, 2018.

It is undisputed that § 87(2)(b) drove his vehicle on Metropolitan Avenue in the Bronx, where Police Officer Rivera and Police Officer Nowell, both of whom were on foot, stood. § 87(2)(b) stopped his vehicle and briefly engaged its headlight high angle beams by "flashing" them towards the officers. After § 87(2)(b) spoke to Police Officer Rivera, Police Officer Rivera instructed him to move his vehicle to the side of the roadway.

§ 87(2)(b) stated that because Police Officer Rivera and Police Officer Nowell stood in the roadway, preventing him from advancing in his vehicle, he engaged his vehicle's high angle beams with the intent of attracting the officers' attention such that he could inquire about the extent of the traffic delay. Police Officer Rivera approached § 87(2)(b)'s vehicle, stating, "You don't fucking high beam the police." § 87(2)(b) spoke with Police Officer Rivera, who ultimately requested § 87(2)(b)'s driver license and additional documents before instructing him to move his vehicle.

Police Officer Rivera denied speaking discourteously to § 87(2)(b) did not recall discussing § 87(2)(b)'s use of his high beams with him, and stated that he instructed him to “pull over” his vehicle because his demeanor was “erratic” in that he was speaking loudly and rudely to Police Officer Rivera.

Neither Police Officer Rivera’s nor Police Officer Nowell’s body-worn camera captured this aspect of the incident.

Whenever a highway is sighted such that the use of vehicle headlamps is unnecessary or impracticable, the headlamps shall be operated using the lowermost distribution of light. New York Vehicle and Traffic Law, Article 9, Section 375 (Board Review 01).

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation (C) Discourtesy: Police Officer Sharice Nowell spoke discourteously to § 87(2)(b)

[REDACTED]

§ 87(2)(b) alleged that after being escorted to and placed inside of the officers’ vehicle, he referenced his intent to travel to an airport to retrieve his son and asked how long the incident would last. Police Officer Nowell replied, “You should have thought of that shit before.”

Police Officer Nowell acknowledged having a conversation with § 87(2)(b) regarding his intent to travel to an airport and that she told him something to the effect of, “You should have thought of that before.” Police Officer Nowell denied using profanity when making this statement.

Police Officer Rivera denied hearing Police Officer Nowell speak discourteously to § 87(2)(b) during this portion of the incident.

The BWC footage recorded by Police Officer Nowell captures the entirety of her interactions with § 87(2)(b) during the period in which he was inside of the officers’ vehicle. A snagged portion of the relevant section, embedded below, includes the specific question and answer referenced in § 87(2)(b)'s allegation. In this footage, § 87(2)(b) can be heard asking, “Can I ask you how long this is gonna take?” to which Police Officer Nowell clearly replies, “You should have thought of that before.”



201801926_20180612_1302_DM.mp4

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 02).
- Police Officer Rivera has been a member-of-service for nine years and has been a subject in one CCRB complaint and two allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]
[REDACTED]
- Police Officer Nowell has been a member-of-service for 12 years and has been a subject in three CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]
[REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of May 29, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 03).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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